

W E, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do hereby this 17th day of September 1787, ratify and confirm the following Constitution for the United States of America.

CENTER for the STUDY of the AMERICAN CONSTITUTION

November 2013 | Document of the Month

No.5 Who Will Support the Constitution?

In 1787, most Americans were dissatisfied with Congress and the country's constitution, the Articles of Confederation. Since the Articles' adoption in 1781, various attempts to strengthen Congress through specific grants of power and by amending the Articles had failed. In September 1786 the Annapolis Convention, an extra-legal body, recommended that the states appoint delegates to a general convention for the purpose of amending the Articles of Confederation. On 21 February 1787 Congress also proposed that a general convention meet in Philadelphia in May of that year to amend the Articles. For a variety of reasons, like Shays's Rebellion and the radical economic policies of several state legislatures, the political climate changed from the fall of 1786 to the spring of 1787. Previously, Americans had looked upon Congress with suspicion when it attempted to augment its powers. By the time that the Constitutional Convention assembled, however, Americans had been convinced that whatever came out of the Convention would improve the Articles and, thus, should be adopted. The two documents below—one written as the Convention began, the other written shortly after the Convention adjourned—indicate which groups in society would favor or oppose the newly proposed Constitution and what the consequences of acceptance or rejection might be.

"Harrington,"* written by Dr. Benjamin Rush of Philadelphia and published in the *Pennsylvania Gazette* on 30 May 1787, asserted that America's political prospects were ominous—"We are upon the brink of a precipice." Sovereign power, he wrote, had to be shifted away from the states and given to Congress. Only on the "extensive reservoir" of the federal government could the constant battle between "the ambition of the poor" and "the avarice of the rich demagogue" be neutralized. On the state level, one faction or the other would alternately dominate and cause chaotic swings in political power. There would be no fear of a strengthened federal power because "the eyes of the whole empire are directed to one supreme legislature" and "its duties will be perfectly understood, its conduct will be narrowly watched, and its laws will be obeyed with cheerfulness and respect." Only by having the states "first throw their sovereignty at the feet of the convention" would fraudulent debtor legislation and oppressive taxes end.

"Harrington" listed those who should support a strengthened central government—public creditors, Revolutionary War veterans, "lovers of peace," residents in the west who needed protection from Indians, farmers, merchants, manufacturers and mechanics. He then praised the delegates who were at that time attending the Federal Convention led by George Washington and Benjamin Franklin. The new government proposed by the Convention would replace the "anarchy, poverty, infamy, and slavery" of the Confederation with "peace, safety, liberty and glory."

After the Convention adjourned, Alexander Hamilton wrote a memorandum suggesting that the new Constitution would be aided by "the universal popularity of General Washington" and the support of merchants, men of property, creditors, and those who wanted to preserve the Union and strengthen Congress. Those likely to oppose the Constitution were the two or three delegates in the Convention who had opposed the plan, "many *inconsiderable* men," who were often state officeholders, debtors, opponents of taxes, and those who might profit from the "convulsion" that would probably develop if the Constitution were rejected. Hamilton surmised that foreign countries, wanting America to remain weak, would also oppose the Constitution.

The Constitution would probably be adopted, Hamilton thought, but he was by no means certain. Failure to ratify could end in civil war, dismemberment of the Union, monarchy, separate confederacies, or a reunification with Great Britain. If the Constitution should be adopted, George Washington would likely be the first president. With able advisers, he would have a good administration that would "triumph altogether over the state governments and reduce them to an

entire subordination." In Hamilton's estimation, eight or nine months would determine the matter.

*Rush chose "Harrington" as his pseudonym. James Harrington (1611-1677), an English political theorist, studied classical republicanism. His most important text, *The Commonwealth of Oceana* (1656), which was a controversial work, developed the ideal constitution for a utopian republic.

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Harrington: To the Freemen of the United States, *Pennsylvania Gazette*, 30 May 1787

We are upon the brink of a precipice. . . . America has it in her power to adopt a government which shall secure to her all the benefits of monarchy, without parting with any of the privileges of a republic.

. . .

The more we abridge the states of their sovereignty, and the more supreme power we concenter in an assembly of the states (for by this new name let us call our fœderal government) the more safety, liberty and prosperity, will be enjoyed by each of the states.

The ambition of the poor, and the avarice of the rich demagogue, can never be restrained upon the narrow scale of a state government. In an assembly of the states they will check each other. In this extensive reservoir of power, it will be impossible for them to excite storms of sedition, or oppression. Should even virtue be wanting in it, ambition will oppose ambition, and wealth will prevent danger from wealth. Besides, while the eyes of the whole empire are directed to one supreme legislature, its duties will be perfectly understood, its conduct will be narrowly watched, and its laws will be obeyed with cheerfulness and respect.

Let the states who are jealous of each others competitions and encroachments, whether in commerce or territory, or who have suffered under aristocratic or democratic juntos, come forward, and first throw their sovereignty at the feet of the convention. It is there only that they can doom their disputes—their unjust tender and commutation laws—their paper money—their oppressive taxes upon land—and their partial systems of finance—to destruction.

Let the public creditor, who lent his money to his country, and the soldier and citizen, who yielded her their services, come forward next, and contribute their aid to establish an effective fœderal government. It is from the united power and resources of America, only, that they can expect permanent and substantial justice.

Let the lovers of peace add their efforts to those that have been mentioned, in encreasing the energy of a fœderal government. An assembly of the states alone, by the terror of its power and the fidelity of its engagements, can preserve a perpetual peace with the nations of Europe.

Let the citizens of America who inhabit the western counties of our states fly to a fœderal power for protection. The Indians know too well the dreadful consequences of confederacy in arms, ever to disturb the peaceful husbandman, who is under the cover of the arsenals of thirteen states.

Let the farmer who groans beneath the weight of direct taxation seek relief from a government, whose extensive jurisdiction will enable it to extract the resources of our country by means of imposts and customs.

Let the merchant, who complains of the restrictions and exclusions imposed upon his vessels by foreign nations, unite his influence in establishing a power that shall retaliate these injuries, and insure him success in his honest pursuits, by a general system of commercial regulations.

Let the manufacturer and mechanic, who are every where languishing for want of employment, direct their eyes to an assembly of the states. It will be in their power, only, to encourage such arts and manufactures as are essential to the prosperity of our country.

To beget confidence in, and an attachment to, a new fœderal government, let us attend to the characters of the men who are met to form it.

Many of them were members of the first Congress, that sat in Philadelphia in the year 1774. Many of them were part of that band of patriots, who, with halters round their necks, signed the declaration of independence on the 4th of July, 1776.

Many of them were distinguished in the field, and some of them bear marks of the wounds they received in our late contest for liberty.

than we now behold in the convention of the states.

Who can read or hear, that the immortal Washington has again quitted his beloved retirement, and obeyed the voice of God and his country, by accepting the chair of this illustrious body of patriots and heroes, and doubt of the safety and blessings of the government we are to receive from their hands?

Or who can read or hear of Franklin, Dickinson, Rutledge, R. Morris, Livingston, Randolph, Gerry, Shearman, Mifflin, Clymer, Pinkney, Read, and many others that might be mentioned, whose names are synonymous with liberty and fame, and not long to receive from them the precious ark, that is to preserve and transmit to posterity the freedom of America?

Under the present weak, imperfect and distracted government of Congress, anarchy, poverty, infamy, and slavery, await the United States.

Under such a government as will probably be formed by the present convention, America may yet enjoy peace, safety, liberty and glory.

Alexander Hamilton: Conjectures About the Constitution, September 1787

The new constitution has in favour of its success these circumstances—a very great weight of influence of the persons who framed it, particularly in the universal popularity of General Washington,—the good will of the commercial interest throughout the states which will give all its efforts to the establishment of a government capable of regulating protecting and extending the commerce of the Union—the good will of most men of property in the several states who wish a government of the union able to protect them against domestic violence and the depredations which the democratic spirit is apt to make on property; and who are besides anxious for the respectability of the nation—the hopes of the Creditors of the United States that a general government possessing the means of doing it will pay the debt of the Union, a strong belief in the people at large of the insufficiency of the present confederation to preserve the existence of the Union and of the necessity of the union to their safety and prosperity; of course a strong desire of a change and a predisposition to receive well the propositions of the Convention.

Against its success is to be put, the dissent of two or three important men in the Convention; who will think their characters pledged to defeat the plan—the influence of many *inconsiderable* men in possession of considerable offices under the state governments who will fear a diminution of their consequence, power and emolument by the establishment of the general government and who can hope for nothing there—the influence of some *considerable* men in office possessed of talents and popularity who partly from the same motives and partly from a desire *of playing a part* in a convulsion for their own aggrandisement will oppose the quiet adoption of the new government—(some considerable men out of office, from motives of ambition may be disposed to act the same part)—add to these causes the disinclination of the people to taxes and of course to a strong government—the opposition of all men much in debt who will not wish to see a government established one object of which is to restrain this means of cheating Creditors—the democratical jealousy of the people which may be alarmed at the appearance of institutions that may seem calculated to place the power of the community in few hands and to raise a few individuals to stations of great preeminence—and the influence of some foreign powers who from different motives will not wish to see an energetic government established throughout the states.

In this view of the subject it is difficult to form any judgment whether the plan will be adopted or rejected. It must be essentially matter of conjecture. The present appearances and all other circumstances considered the probability seems to be on the side of its adoption.

But the causes operating against its adoption are powerful and there will be nothing astonishing in the Contrary—

If it do not finally obtain, it is probable the discussion of the question will beget such struggles, animosities and heats in the community that this circumstance conspiring with the *real necessity* of an essential change in our present situation will produce civil war. Should this happen, whatever parties prevail it is probable governments very different from the present in their principles will be established—A dismemberment of the Union and monarchies in different portions of it may be expected. It may however happen that no civil war will take place; but several republican confederacies be established between different combinations of particular states.

A reunion with Great Britain, from universal disgust at a state of commotion, is not impossible, though not much to be feared. The most plausible shape of such a business would be the establishment of a son of the present monarch in the supreme government of this country with a family compact.

If the government is adopted, it is probable general Washington will be the President of the United States—This will ensure a wise choice of men to administer the government and a good

administration. A good administration will conciliate the confidence and affection of the people and perhaps enable the government to acquire more consistency than the proposed constitution seems to promise for so great a Country—It may then triumph altogether over the state governments and reduce them to an entire subordination, dividing the large states into smaller districts. The *organs* of the general government may also acquire additional strength.

If this should not be the case, in the course of a few years, it is probable that the contests about the boundaries of power between the particular governments and the general government and the *momentum* of the larger states in such contests will produce a dissolution of the Union. This after all seems to be the most likely result.

But it is almost arrogance in so complicated a subject, depending so entirely on the incalculable fluctuations of the human passions, to attempt even a conjecture about the event. It will be Eight or Nine months before any certain judgment can be formed respecting the adoption of the Plan.



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